

# Union Calendar No. 156

108TH CONGRESS  
1ST SESSION

# H. R. 1038

**[Report No. 108–218, Parts I, II, and III]**

To increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2003

Mr. TANCREDO (for himself, Mr. MCINNIS, Mr. UDALL of Colorado, Mr. BEAUPREZ, Mrs. MUSGRAVE, and Mr. HEFLEY) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JULY 17, 2003

Reported from the Committee on Resources

JULY 17, 2003

Referral to the Committee on Agriculture extended for a period ending not later than September 15, 2003

JULY 17, 2003

Referred to the Committee on the Judiciary for a period ending not later than September 15, 2003, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X

SEPTEMBER 15, 2003

Additional sponsors: Ms. DEGETTE, Mr. RENZI, Mr. HAYWORTH, Mr. GALLEGLY, Mr. RADANOVICH, and Mr. BLUMENAUER

SEPTEMBER 15, 2003

Reported from the Committee on the Judiciary with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

SEPTEMBER 15, 2003

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

To increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Public Lands Fire  
 5 Regulations Enforcement Act of 2003”.

6 **SEC. 2. PENALTIES FOR VIOLATION OF PUBLIC LAND FIRE**  
 7 **REGULATIONS RESULTING IN PROPERTY**  
 8 **DAMAGE.**

9       ~~(a) INCREASED PENALTIES ON INTERIOR LANDS.—~~  
 10 ~~Notwithstanding section 303(a) of the Federal Land Pol-~~  
 11 ~~icy and Management Act of 1976 (43 U.S.C. 1733(a)) or~~  
 12 ~~section 3 of the Act of August 25, 1916 (16 U.S.C. 3),~~  
 13 ~~a violation of the rules regulating the use of fire by visitors~~  
 14 ~~and other users of lands administered by the Bureau of~~  
 15 ~~Land Management or National Park System lands shall~~

1 be punished by a fine of not less than \$1,000 or imprison-  
2 ment for not more than one year, or both, if the violation  
3 results in damage to public or private property.

4 (b) INCREASED PENALTIES ON NATIONAL FOREST  
5 SYSTEM LANDS.—Notwithstanding the eleventh undesignated  
6 paragraph under the heading “SURVEYING THE  
7 PUBLIC LANDS” of the Act of June 4, 1897 (16 U.S.C.  
8 551), a violation of the rules regulating the use of fire  
9 by visitors and other users of National Forest System  
10 lands shall be punished by a fine of not less than \$1,000  
11 or imprisonment for not more than one year, or both, if  
12 the violation results in damage to public or private prop-  
13 erty.

14 (c) RELATION TO OTHER SENTENCE OF FINE AU-  
15 THORITY.—The maximum fine amount specified in sub-  
16 sections (a) and (b) applies in lieu of the fine otherwise  
17 applicable under section 3571 of title 18, United States  
18 Code.

19 (d) USE OF COLLECTED FINES.—Any moneys re-  
20 ceived by the United States as a result of a fine imposed  
21 for a violation of fire rules applicable to lands adminis-  
22 tered by the Bureau of Land Management, National Park  
23 System lands, or National Forest System lands shall be  
24 available to the Secretary of the Interior or the Secretary

1 of Agriculture, as the case may be, without further appro-  
2 priation and until expended, for the following purposes:

3           (1) To cover the cost to the United States of  
4 any improvement, protection, or rehabilitation work  
5 rendered necessary by the action that resulted in the  
6 fine.

7           (2) To reimburse the affected agency for the  
8 cost of the response to the action that resulted in  
9 the fine, including investigations, damage assess-  
10 ments, and legal actions.

11           (3) To increase public awareness of rules, regu-  
12 lations, and other requirements regarding the use of  
13 fire on public lands.

14 **SECTION 1. SHORT TITLE.**

15           *This Act may be cited as the “Public Lands Fire Regu-  
16 lations Enforcement Act of 2003”.*

17 **SEC. 2. INCREASE IN MAXIMUM FINES FOR VIOLATION OF**  
18 **PUBLIC LAND REGULATIONS AND ESTABLISH-**  
19 **MENT OF MINIMUM FINE FOR VIOLATION OF**  
20 **PUBLIC LAND FIRE REGULATIONS DURING**  
21 **FIRE BAN.**

22           (a) *LANDS UNDER JURISDICTION OF BUREAU OF*  
23 *LAND MANAGEMENT.—Section 303(a) of the Federal Land*  
24 *Policy and Management Act of 1976 (43 U.S.C. 1733(a))*  
25 *is amended—*

1           (1) *in the second sentence, by striking “no more*  
2 *than \$1,000” and inserting “as provided in title 18,*  
3 *United States Code,”; and*

4           (2) *by inserting after the second sentence the fol-*  
5 *lowing: “In the case of a regulation issued under this*  
6 *section regarding the use of fire by individuals on the*  
7 *public lands, if the violation of the regulation was the*  
8 *result of reckless conduct, occurred in an area subject*  
9 *to a complete ban on open fires, and resulted in dam-*  
10 *age to public or private property, the fine may not*  
11 *be less than \$500.”.*

12       (b) *NATIONAL PARK SYSTEM LANDS.—*

13           (1) *FINES.—Section 3 of the Act of August 25,*  
14 *1916 (popularly known as the National Park Service*  
15 *Organic Act; 16 U.S.C. 3) is amended—*

16           (A) *by striking “That the Secretary” at the*  
17 *beginning of the section and inserting “(a) REG-*  
18 *ULATIONS FOR USE AND MANAGEMENT OF NA-*  
19 *TIONAL PARK SYSTEM; ENFORCEMENT.—The*  
20 *Secretary”;*

21           (B) *by striking “\$500” and inserting*  
22 *“\$10,000”; and*

23           (C) *by inserting after the first sentence the*  
24 *following: “In the case of a rule or regulation*  
25 *issued under this subsection regarding the use of*

1           *fire by individuals on such lands, if the violation*  
2           *of the rule or regulation was the result of reckless*  
3           *conduct, occurred in an area subject to a com-*  
4           *plete ban on open fires, and resulted in damage*  
5           *to public or private property, the fine may not*  
6           *be less than \$500.”.*

7           (2) *CONFORMING AMENDMENTS.—Such section is*  
8           *further amended—*

9                     (A) *by striking “He may also” the first*  
10                    *place it appears and inserting the following:*

11            “(b) *SPECIAL MANAGEMENT AUTHORITIES.—The Sec-*  
12            *retary of the Interior may”;*

13                     (B) *by striking “He may also” the second*  
14                    *place it appears and inserting “The Secretary*  
15                    *may”;* and

16                     (C) *by striking “No natural,” and inserting*  
17                    *the following:*

18            “(c) *LEASE AND PERMIT AUTHORITIES.—No nat-*  
19            *ural”.*

20           (c) *NATIONAL FOREST SYSTEM LANDS.—The eleventh*  
21           *undesignated paragraph under the heading “SURVEYING*  
22           *THE PUBLIC LANDS” of the Act of June 4, 1897 (16 U.S.C.*  
23           *551), is amended—*

24                     (1) *by striking “\$500” and inserting “\$10,000”;*  
25            and

1           (2) *by inserting after the first sentence the fol-*  
2           *lowing: “In the case of such a rule or regulation re-*  
3           *garding the use of fire by individuals on such lands,*  
4           *if the violation of the rule or regulation was the result*  
5           *of reckless conduct, occurred in an area subject to a*  
6           *complete ban on open fires, and resulted in damage*  
7           *to public or private property, the fine may not be less*  
8           *than \$500.”.*

Amend the title so as to read: “A bill to increase maximum fine amounts authorized for the violation of regulations regarding Bureau of Land Management lands, National Park System lands, and National Forest System lands, to impose a minimum fine amount for a violation of fire regulations applicable to such lands when the violation is the result of reckless conduct, occurs in an area subject to a complete ban on open fires, and results in property damage, and for other purposes.

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